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U.S. Patent Application No. 10/518,082

Docket No. 4590-358

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested. Entry of this amendment under Rule 116 is merited as it places the application in condition for allowance.

Claims 1-18 are pending. Applicants appreciatively note that claims 1-6, 10-16 and 18 are allowed.

Claims 7, 8, 9 and 17 are rejected under 35 USC 103(a) as being unpatentable over Pan (US 5,706,371). In response, claim 7 has been amended and is believed to be patentable over Pan for the reasons discussed below.

Claim 7 has been amended to recite that the two parts of the capillary tube are mechanically aligned with each other. Applicants submit that this claim limitation is not new matter and should be entered. The Examiner has previously considered this argument, for example, on page 4, August 8, 2006 Office Action, where it was stated that "the capillary tubes are optically aligned, thereby allowing a light signal to propagate from one to two the other through the intermediate element. This is precisely illustrated by figures 5a and 5b." Thus, this is not new matter, has already been considered, and should be entered. Claims 8, 9 and 17 recites additional important limitations and should be patentable along with claim 7 from which they depend.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and a Notice to that effect is earnestly solicited.

Applicants undersigned attorney requests the Examiner to contact him if the Examiner does not enter this Amendment and pass this application to allowance and requests a personal interview if this is the case.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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